

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

SPEEDFIT LLC and AUREL A. ASTILEAN,)

Plaintiffs,)

vs.)

WOODWAY USA, INC.,)

Defendant.)

Case No. 2:13-cv-01276 (KAM) (AKT)

**NOTICE OF WOODWAY USA, INC.'S
MOTION TO PRECLUDE THE
TESTIMONY OF PLAINTIFFS'
DAMAGES EXPERT DAVID WANETICK**

TO: Thomas B. Decea
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PLEASE TAKE NOTICE that the undersigned attorneys for Defendant Woodway USA, Inc. ("Woodway") will move this Court before the Honorable Kiyo A. Matsumoto, United States District Judge, at the Brooklyn Federal Courthouse, 225 Cadman Plaza East, Brooklyn, New York 11201, as soon as it may be heard, for (a) an Order granting Woodway's Motion to Preclude the Testimony of Plaintiffs' Damages Expert David Wanetick and (b) such other relief as this Court may deem just and proper.

This Motion, made pursuant to Fed. R. Evid. 702 & 703, and Fed. R. Civ. P. 26 & 37, will be based upon the accompanying Memorandum of Law, the Declaration of Kadie M.

Jelenchick and Exhibits, all prior pleadings and proceedings had herein, and such additional oral or documentary evidence as may be received prior to or at a hearing on this Motion.

PLEASE TAKE FURTHER NOTICE that, pursuant to the text-only June 17, 2018 Scheduling Order, any responsive briefing shall be served no later than August 1, 2018. Woodway's reply in support of its Motion to Preclude the Testimony of Plaintiffs' Damages Expert David Wanetick shall be served no later than August 8, 2018. A complete set of Woodway's papers will be filed with the Court on August 8, 2018, and two courtesy copies will be provided to chambers.

Dated: July 11, 2018

Respectfully submitted,

/s/ Kadie M. Jelenchick

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*Counsel for Defendant and Counterclaim-
Plaintiff Woodway USA, Inc.*

CERTIFICATE OF SERVICE

I, Matthew W. Peters, an attorney with Foley & Lardner LLP, hereby certify that on July 11, 2018, I caused the foregoing Notice of Woodway USA, Inc.'s Motion to Preclude the Testimony of Plaintiffs' Damages Expert David Wanetick to be served by electronic mail upon counsel of record.

/s/ Matthew W. Peters
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